REMARKS

This Application has been carefully reviewed in light of the Office Action mailed June 21, 2005. At the time of the Office Action, Claims 1-30, 95-101, and 105 were pending in the present application. The Examiner rejected Claims 1-30, 95-101, and 105. Applicants respectfully request reconsideration and allowance of all pending claims.

Section 102(b) Rejections

Claims 1, 16 and 101 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,864,854 issued to Boyle ("*Boyle*"). Applicants respectfully traverse these rejections for the reasons discussed below.

In order to establish a *prima facie* case of anticipation, all the elements of the claimed invention must be found within a single prior art reference. *Dewey & Almy Chemical Co. v. Mimex*, 124 F.2d 986, 52 USPQ 138 (2d Cir. 1942). Applicants respectfully submit that each and every element of Claims 1, 16, and 101 are not found within the *Boyle* reference.

Claim 1 recites:

> A method for dynamic distributed data caching comprising:
> providing a cache community on a first side of a point of presence, the cache community comprising at least one peer, each peer having an associated first content portion indicating content obtained from a second side of the point of presence to be cached by the respective peer;
> allowing a client to join the cache community;
> updating a peer list associated with the cache community to include the client, the peer list indicating the peers in the cache community; and
> associating a respective second content portion with each peer based on the addition of the client, the second content portion being distinct from the first content portion.

Applicants submit that *Boyle* fails to teach, suggest, or disclose each and every element of Claim 1. For example, *Boyle* fails to teach, suggest, or disclose "updating a peer list associated with the cache community to include the client." Instead, *Boyle* discloses a group cache look-up table. Rather than "indicating peers in the cache community" as required by Claim 1, Boyle's group cache look-up table "includes a plurality of entries . . . with each entry corresponding to a data item cached within [the] group." Col. 3, ll. 52-55 (emphasis added); *see also* col. 3, ll. 24-26 ("The group cache look-up table includes an entry

corresponding to each data item cached by any member of the group."). As such, Boyle's group cache look-up table is not a peer list as required by Claim 1.

Boyle also fails to teach, suggest, or disclose "associating a respective second content portion with each peer based on the addition of the client." Instead, the portion of *Boyle* relied upon by the Examiner as disclosing this element actually discloses a list of clients at which a particular data item is cached. Col. 4, ll. 7-8. "If the data item is cached by more than one client . . . , the list [] includes a client identifier for each client caching the data item." Col. 4, ll. 9-11. This list, however, does not associate a respective content portion with each peer based on the addition of a client. It merely indicates which clients have cached a particular data item. Therefore, for at least these reasons, Applicants submit that the rejection of Claim 1 is improper and respectfully request that the rejection of Claim 1 be withdrawn.

Similar to Claim 1, Claim 16 recites a system for dynamic distributed data caching comprising logic encoded on storage and operable to "update a peer list associated with the cache community to include the client, the peer list indicating the peers in the cache community" and "associate a respective second content portion with each peer based on the addition of the client." Likewise, Claim 101 recites "means for updating a peer list associated with the cache community to include the client, the peer list indicating the peers in the cache community" and "means for associating a respective second content portion with each peer based on the addition of the client." Therefore, for reasons analogous to those discussed above with regard to Claim 1, Applicants submit that Claims 16 and 101 are also allowable, and respectfully request that the rejections of Claims 16 and 101 be withdrawn.

Section 103(a) Rejections

Claims 2-15, 17-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Boyle* in view of U.S. Patent No. 6,477,150 issued to Maggenti et al. ("*Maggenti*"). Applicants respectfully traverse these rejections for the reasons discussed below.

Claims 2-15 and 17-30 each depend, directly or indirectly, from Claims 1 and 16. Therefore, Applicants submit that Claims 2-15 and 17-30 are also patentable over the cited references, for example, for the same reasons discussed above with regard to Claims 1 and 16, and respectfully request that the rejections of Claims 2-15 and 17-30 be withdrawn.

Claims 95-100 and 105 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Maggenti* in view of *Boyle*. Applicants respectfully traverse these rejections for the reasons discussed below.

In order to establish a *prima facie* case of obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Applicants respectfully submit that each and every element of Claims 95-100, and 105 are not found within the references cited by the Examiner and that there is no motivation to combine the references as suggested by the Examiner.

Generally, *Maggenti* is directed to a system and method for providing group communications services, otherwise known as point-to-multipoint communications or push-to-talk communications, in an existing communication system. *Boyle*, on the other hand, is directed to a system and method for maintaining a shared cache look-up table in an information system network. Although *Boyle* states that "group cache look-up tables minimize requests for data items outside each group and minimize the service load on servers having popular data items" (col. 2, ll. 14-17), there would be no motivation to combine the teachings of *Boyle* with the teachings of *Maggenti* as *Maggenti* does not involve caching or content requests. Instead, *Maggenti* involves implementing a push-to-talk communications system where content is neither requested nor cached. As such, there is clearly no motivation to combine the *Maggenti* and *Boyle* references as suggested by the Examiner.

Even if there were a motivation to combine the *Maggenti* and *Boyle* references as suggested by the Examiner, the *Maggenti-Boyle* combination still fails to teach, suggest, or disclose each and every element of Claims 95-100 and 104.

Claim 95 recites:

> A method for dynamic distributed data caching comprising:
> communicating a community request from a dynamic cache module to an administration module;
> receiving a community list from the administration module in response to the community request, the community list including a list of communities;
> selecting one of the communities to attempt to join;

> generating a join request to attempt to join the selected community;
>
> receiving an allow message associated with the one of the communities;
>
> receiving a peer list associated with the one of the communities;
>
> receiving a content request; and
>
> storing content associated with the content request.

The *Maggenti-Boyle* combination suggested by the Examiner fails to teach, suggest, or disclose each of these elements. For example, the *Maggenti-Boyle* combination fails to teach, suggest, or disclose "receiving a community list from the administration module in response to the community request." Instead, *Maggenti* discloses a system in which communication devices never communicate a community request to an administration module and never receive a community list in response. The communication devices of *Maggenti* are merely "equipped with a means for requesting a transmission privilege from a [communications manager]." Col. 5, ll. 38-46. This communications manager maintains a net database and "manages the real-time and administrative operation of nets" (col. 5, ll. 38-46); however, the communication manager itself never transmits a community list (*e.g.*, the net database) to the communication devices. Because of this, the communications devices never receive a community list from an administration module in response to a community request as required by Claim 95.

The *Maggenti-Boyle* combination also fails to teach, suggest, or disclose "receiving a peer list associated with the one of the communities." In addition to defining the set of nets known to the communication manager, the net database of *Maggenti* "also lists the defined members of each net." Col. 17, ll. 47-50. However, as discussed above, the communications manager of *Maggenti* never transmits this net database to the communication devices that are part of the various nets. Therefore, the communication devices of *Maggenti* also fail to receive a peer list associated with the one of the communities as required by Claim 95.

The *Maggenti-Boyle* combination also fails to teach, suggest, or disclose "receiving a content request." Instead, *Maggenti* discloses that each communication device may request a transmission privilege, and that if the transmission privilege is granted, the communication device may transmit information to other net members. A request for a transmission privilege, however, is not a content request. In fact, nowhere in *Maggenti* is it disclosed that content may requested by a communication device. At best, *Maggenti* discloses that a

communication device may request to transmit content. This, however, is not "receiving a content request" as required by Claim 95.

Similarly, the *Maggenti-Boyle* combination suggest by the Examiner also fails to teach, suggest, or disclose "storing content associated with the content request." Instead, the portion of *Maggenti* relied upon by the Examiner as disclosing this element, actually discloses that each communication device "maintains a database for storing information pertaining to group communications" such as "a list of nets in which the [communication device] is able to join." Col. 11, ll. 20-23. This "information pertaining to group communications," however, is not content associated with a content request, as required by Claim 95. Therefore, for at least this reason, as well as the others discussed above, Applicants submit that the rejection of Claim 95 is improper, and respectfully request that the rejection of Claim 95 be withdrawn.

Similar to Claim 95, Claim 98 recites a system for dynamic distributed data caching comprising logic encoded on storage and operable to "receive a community list from the administration module in response to the community request," "receive a peer list associated with the one of the communities," "receive a content request," and "store content associated with the content request." Likewise, Claim 105 recites "means for receiving a community list from the administration module in response to the community request," "means for receiving a peer list associated with the one of the communities," "means for receiving a content request," and "means for storing content associated with the content request." Therefore, for reasons analogous to those discussed above with regard to Claim 95, Applicants submit that Claims 98 and 105 are also allowable, and respectfully request that the rejections of Claims 98 and 105 be withdrawn.

Claims 96, 97, 99, and 100 each depend, directly or indirectly, from Claims 95 and 98. Therefore, Applicants submit that Claims 96, 97, 99, and 100 are also patentable over the cited references, for example, for the same reasons discussed above with regard to Claims 95 and 98, and respectfully request that the rejections of Claims 96, 97, 99, and 100 be withdrawn.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe no fee is due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any required fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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